

In the Drawings

Figure 7 has been amended to delete reference to “longitudinal plane A-A’ ” since it is no longer referred to in the specification, or the claims pursuant to the Examiner’s request and the amendments herein.

Figure 8 has been amended to include reference numeral 30, as requested by the Examiner and described in the specification. In addition, the symbol “<” has been inserted before “90°” to clarify that the angle shown is less than 90°.

An annotated sheet showing the edits in red, as well as a formal replacement drawing page 4, are attached herewith.

Remarks

Claims 1-28 were pending in the subject application. Applicants acknowledge that claims 29-46 have been withdrawn from further consideration, as being drawn to a non-elected invention. By this Amendment, claims 8-12 and 17-21 have been amended, and claims 1-7, 14, and 15 have been canceled. Claims 23-28 have also been canceled and re-written as new claims 47-51. The undersigned avers that no new matter is introduced by these amendments. Upon entry of these amendments, claims 8-13, 16-22, and 47-51 will be before the Examiner.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion. These amendments should not be construed as an indication of Applicant's agreement with or acquiescence to the rejections of record. Applicant expressly reserves the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application. Favorable consideration of the claims now presented, in view of the remarks and amendments set forth herein, is earnestly solicited.

The drawings have been objected to for failing to comply with 37 CFR §1.84 because reference number "30", as described in the application was not indicated in the figures. As described above, a new drawing page 4 has been attached herewith, along with an annotated sheet showing edits. The new drawing page includes reference number "30". In addition, to coincide with the amendments that will be discussed below, reference to longitudinal plane "A-A" has also been removed from Figure 7. And, as a matter of clarification, a "<" symbol has been inserted in Figure 7 to clarify that the indicated angle is obviously less than 90°. Support for this amendment can be found at page 8, line 16. Applicant respectfully asserts that these amendments do not constitute new matter and respectfully request that the new drawing sheet be included in the application.

As an initial matter, Applicant gratefully acknowledges the Examiner's indication that claims 14 and 23-28 are objected to, but would be allowable if amended to overcome the 35 U.S.C. §112, second paragraph rejection and rewritten to include all of the limitations of any base and intervening claims. By these amendments, the limitations of claim 14 have been incorporated into claim 8, from which claim 14 depends; the limitations of claim 23 have been incorporated into claim 17, from which claim 23 depends; and claim 24, which also depends from claim 17, has been rewritten as new claim 47. In addition, claims 25-28, which depended from claim 24, have been canceled and

renumbered as claims 48-51, to preserve the correct numbering and dependency of the claims. Applicant respectfully submits that the amendments presented herein place these claims in condition for allowance. In addition, Applicant respectfully requests the allowance of claims 9-13, which depend from amended claim 8.

Applicant gratefully acknowledges the Examiner pointing out that claim 13 and claim 15 are identical and that claims 19, 20, and 21, contain wording that lacks antecedent basis in claim 17. As indicated above, Applicant has canceled claim 15 to eliminate claim duplicity. Claims 17, 19, 20, and 21 have also been amended to correct the lack of antecedent basis. In addition, as requested by the Examiner, Applicant has reviewed and amended the claims as necessary to correct additional errors of antecedent basis, and to make the language of the dependent claims consistent with the amended base claims.

Claims 2-5, 9-12, 14 and 17-28 have been rejected under 35 U.S.C. §112, second paragraph for making reference to “longitudinal plane A-A”. In order to expedite prosecution of the subject application, claims 2-5 and 14 have been canceled. Claims 9-12, and 18-21 have been amended to recite instead “the intersection of the teeth with the handle of the device”. Further, claim 17 has been amended to recite “when vertically aligned”. The original “longitudinal plane A-A”, as shown in the figures, is parallel to the side of the handle of the device to which the teeth are attached. However, as the Examiner points out, without orientation to the device, longitudinal plane A-A’ can vary in position. Thus, if the teeth are vertically aligned, as shown in Figure 7, they would correspond to longitudinal plane A-A’ and/or the handle of the device. Therefore, as requested by the examiner, Applicant has related the teeth of the claims to the structure of the device, rather than to an imaginary plane of reference. Support for these amendments can be found throughout the specification, for example, at page 7, line 24. In addition, for clarity purposes and in order that the specification will coincide with the amended claims, Applicant has also amended the specification and drawings, as indicated above, to remove reference to “longitudinal plane A-A’.” Reconsideration is respectfully requested.

Claims 1-13, and 15-22 are variously rejected under 35 USC §102(b) as anticipated by Walton *et al.* (U.S. Patent No. 5,426,811), Gunderson (U.S. Patent No. 3,047,896), Golden (U.S. Patent No. 3,467,978), Engstrom (U.S. Patent No. 4,858,266), Myers (U.S. Patent No. 6,112,364), Harris, Jr. (U.S. Patent No. 3,270,363), Kerr *et al.* (U.S. Des. Patent No. 347,255), La Clair (U.S. Patent No. 5,447,572), Solomon (U.S. Patent No. 2,230,610), Holliday *et al.* (U.S. Patent No. 6,243,906), Schwartz (U.S. Patent No. 2,857,608), Giustino (U.S. Patent No. 3,366,987), and Cole (U.S. Patent No. 202,410). Applicant respectfully asserts that these rejections are rendered moot, in view of the above amendments to claims 8 and 17, and the cancellation of claims 1-7, and 15. The cited references do not teach each element of the claims as currently amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 USC §102(b).

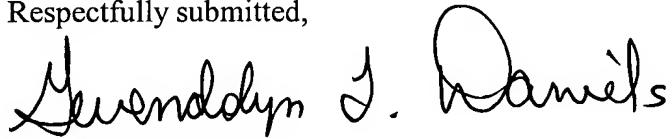
Claims 6, 13, 15, and 22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Holliday *et al.* (U.S. Patent No. 6,243,906) in view of Nichols Jr. (U.S. Patent No. 3,968,535). Applicant respectfully submits that rejection is rendered moot because the cited references, alone or in combination, do not disclose or suggest the device of the invention as embraced by the currently amended claims. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Applicant appreciates the Examiner's indication that claims 14 and 23-28 would be allowable if rewritten to overcome the above rejections. Applicant believes that the above-mentioned amendments to the claims and the new claims 47-51 overcome the stated rejections. Therefore, in view of the foregoing remarks and amendments to the claims, Applicant believes that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



Gwendolyn L. Daniels
Patent Agent
Registration No. 51,594
Phone No.: 352-375-8100
Fax No.: 352-372-5800
Address: Saliwanchik, Lloyd & Saliwanchik
A Professional Association
P.O. Box 1450
Gainesville, FL 32614-2950

/gld

Enclosure: Appendix I



APPENDIX I: DRAWING PAGES

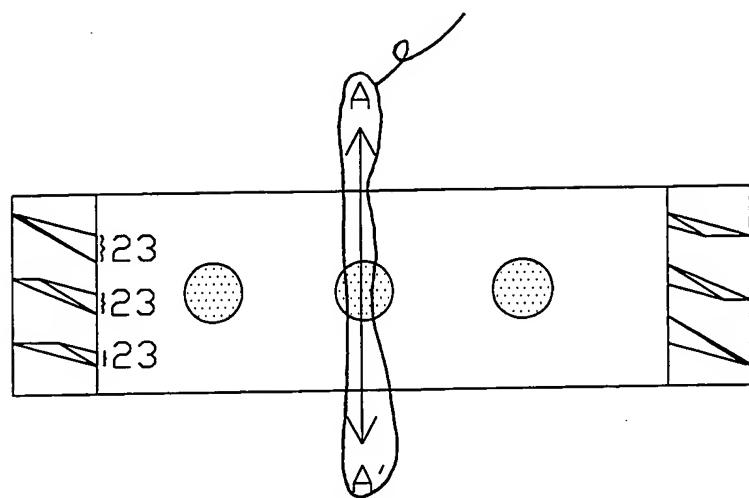


FIG. 7

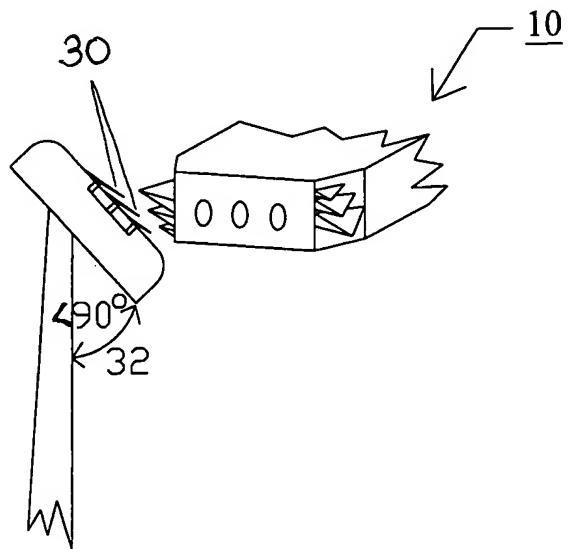


FIG. 8